

Message Text

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E.O.11652: GDS
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SUBJECT: AUSTRALIAN-GDR CONSULAR RELATIONS: HUMANITARIAN CASES.

REF: 9 FAM, APPA, 22 CFR 41.25; N.1.2.

1. ACCORDING TO AUSTRALIAM EMBOFF (MCFAYDEN-CONSUL/ADMIN), AUSTRALIAN CONSULAR INTERESTS IN THE GDR ARE HEAVILY WEIGHTED TOWARD RESOLUTION OF HUMANTARIAN CASES. THE AUSTRALIANS NOW HAVE 7 OR 8 PENDING ACTIVE BINATIONAL MARRIAGE CASES, AND ONE CASE OF AN AUSTRALIAN CITIZEN, BORN IN AUSTRALIA BUT BROUGHT TO THE GDR AS A MINOR CHILD, WHICH HAS ATTRACTED THE INTENSE PERSONAL INTEREST OF THE AUSTRALIAN FOREIGN MINISTER, ANDREW PEACOCK. IN THIS CASE, THE AUSTRALIAN EMBASSY IS MAKING THE STRONGEST REPRESENTATION POSSIBLE TO OBTAIN THIS PERSON'S RELEASE. A SPECIAL FACTOR HERE IS THAT THE AUSTRALIANS ARE RESISTING GDR CLAIMS THAT THE PERSON IS A GDR CITIZEN BECAUSE HE TURNED DOWN GDR CITIZENSHIP WHEN IT WAS OFFERED TO HIM AT AGE 14, AS APPARENTLY PRESECRIBED BY GDR LAW.

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2. SOME OTHER CASES INVOLVING BOTH DIVIDED FAMILIES

AND BINATIONAL MARRIAGES HAVE BEEN SOLVED OVER THE PAST YEAR. THE GDR MFA(CONSULAR DEPARTMENT) HAS, HOWEVER, NEVER ANSWERED ANY AUSTRALIAN EMBASSY NOTES VERBALE ON SUCH CASES IN WRITING. (NOTE: THIS PARALLELS THE EXPERIENCE OF OTHER WESTERN EMBASSIES HERE). THEIR CONTACTS WITH AMBASSADOR AUGUST KLOBES, DIRECTOR, CONSULAR DEPARTMENT, HAVE ALSO BEEN AS UNPLEASANT AS THOSE WE AND OTHER DIPLOMATIC REPRESENTATIVES HAVE HAD. AT THE BEGINNING OF THE AUSTRALIAN EMBASSY'S OPERATIONS HERE IN 1975, KLOBES REJECTED EVEN THE IDEA OF AUSTRALIAN INTEREST IN THE FREE MOVEMENT OF GDR CITIZENS WITH AUSTRALIAN CONNECTIONS. FORTUNATELY, THAT ATTITUDE HAS SOFTENED SOMEWHAT AFTER THE AUSTRALIANS PRESSED FORWARD ON THEIR CASES.

3. COMMENT: IN DISCUSSING THE CASE OF THE AUSTRALIAN CITIZEN CAUGHT IN THE GDR, MCFAYDEN MADE CLEAR THAT THE AUSTRALIANS REJECT, IN PRINCIPLE AT LEAST, THE CONCEPT OF DUAL NATIONALITY ALTHOUGH THEY ACCEPT CERTAIN OF ITS PRACTICAL IMPLICATIONS. IN EFFECT, THE AUSTRALIANS ARE ARGUING WITH THE MFA ABOUT THE VALIDITY OF THE GDR CLAIM THAT THIS YOUNG MAN IS A GDR CITIZEN.

4. ALTHOUGH THE AUSTRALIANS INSIST ON THE RELEASE OF THIS YOUNG MAN FROM THE GDR, MCFAYDEN DID NOT SPECIFICALLY CONFIRM THAT HIS GOVERNMENT WOULD ACCEPT SOME VERSION OF THE SOLUTION WE HAVE EMPLOYED ON OCCASION HERE. THIS (A) DOCUMENTING THE AMERICAN CITIZEN WITH A U.S. PASSPORT, (B) ISSUING A PRO FORMA B-2 NIV IN THE GDR PASSPORT GIVEN TO PERSONS RELEASED BY THIS GOVERNMENT TO SATISFY GDR REQUIREMENT THAT AN ENTRY VISA FOR THE DESTINATION OF THEIR CITIZEN BE ISSUED PRIOR TO DEPARTURE (SEE REFERENCE), AND (C) ADVISING THE PERSON NOT TO USE THE GDR PASSPORT TO ENTER THE U.S.

5. WE FURTHER NOTE THAT WHILE HUMANITARIAN CASES ARE THE CURRENT PRIMARY CONCERN OF AUSTRALIAN CONSULAR OFFICIALS, IT IS CONCEIVABLE THAT PROTECTION AND WELFARE OF AUSTRALIANS VISITING THE GDR COULD BECOME MORE ACTIVE WHEN AUSTRALIANS BEGIN TO VISIT THE GDR IN GREATER

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NUMBERS THAN AT PRESENT. JUDGING BY THE ATTITUDE EXPRESSED BY LOCAL AUSTRALIAN OFFICIALS, THE MATTER OF DETERMINING NATIONALITY BETWEEN THE GDR AND AUSTRALIA COULD POSE A PROBLEM, PARTICULARLY IF " NEW" AUSTRALIANS OF EAST EUROPEAN ORIGIN COME TO VISIT. WHETHER THE GDR WILL WANT A CONSULAR CONVENTION WITH AUSTRALIA, AS WITH OTHER WESTERN COUNTRIES, REMAINS AN OPEN QUESTION.

COOPER

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